

10/587733

IAP12 Rec'd PCT/PTO 27 JUL 2006

Docket No. DEP5043

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gary Fenton, et al.

Serial No. : TBD Art Unit:

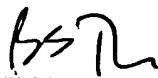
Filed : Examiner:

For : An Instrument for Positioning a Cup Component of
an Orthopaedic Joint Prosthesis

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 27, 2006
(Date of Deposit)

Brian S. Tomko
(Name of applicant, assignee, or Registered Representative)


(Signature)

July 27, 2006
(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with the first or second After Final Submission, therefore:

- Statement in Accordance with §1.97(e)
(attached); or
- Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- Statement in Accordance with §1.97(e)
(attached); or
- Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:
 - In view of the voluminous nature of references and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
 - If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
- Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2).

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There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DEP5043/BST. This form is submitted in triplicate.

Respectfully submitted,



Brian S. Tomko

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DATED: July 27, 2006

2005-07-27 JUL 2005

SUBMISSION UNDER MPEP 609 D Page 1 of 1		<i>Application Number</i>	
		<i>Filing Date</i>	
		<i>First Named Inventor</i>	G. Fenton, et al.
		<i>Group Art Unit</i>	
		<i>Examiner Name</i>	
		<i>Attorney Docket Number</i>	DEP5043

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Name of Patentee or Applicant of Cited Document	U.S. Patent Document		Pages, Columns, Lines, where relevant passages or relevant figures appear
			Number	Kind Code ² (if known)	
		Snyder, Duane, et al.	US 5,169,399	A	
		Collazo, Carlos	US 5,954,727	A	
		Roche, Karen	US 4,632,111	A	
		Keller, et al.	US 4,408,360	A	
		Keller, et al.	US 5,928,287	A	
		Amstutz, et al.	US 6,063,124	A	
		Kushuba, et al.	US 5,171,243	A	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Name of Patentee or Applicant of Cited Document	Foreign Patent Document			Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
			Office ³	Number ⁴	KindCode ⁵		
		Tornier	FR	2583634			
		Finsbury (Instruments) Limited	GB	2299758			

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		GB Search Report dated 21 July 2003	
		International Search Report dated 12 May 2004	
		PCT Written Opinion	

Examiner Signature	Date Considered
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